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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/650,481	08/29/2000	Curtis Wong	MS1-4828US	8554
22801 7590 03/18/2010 LEE & HAYES, PLLC 601 W. RIVERSIDE AVENUE SUITE 1400 SPOKANE, WA 99201				
EXAMINER				
SHANG, ANNAN Q				
ART UNIT		PAPER NUMBER		
2424				
NOTIFICATION DATE		DELIVERY MODE		
03/18/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

Office Action Summary

Application No.

09/650,481

Applicant(s)

WONG ET AL.

Examiner

ANNAN Q. SHANG

Art Unit

2424

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 7, 16-18, 20, 22 and 24-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7, 16-18, 20, 22 and 24-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/C.3)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 7, 16, 18, 20, 22 and 25-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Shoff et al (6,240,555)** in view of **Hirata (6,374,406)** and further in view of **Rowe et al (6,792,615)**.

As to claims 1-3, 7, 16, 18-23 and 25-26, **Shoff** discloses a system (figs.3 and 4) for representing at least one of an audio and visual program comprising:

A token (Packet fig.3) that obtains a token that identifies a particular broadcast program (see fig.3), the token comprises a schema that is a multi-level data structure with a plurality of different fields (title, actor, cc, stereo, time, network, etc.), the plurality of fields includes at least a program identifier (title, PID, etc.) and one or more broadcast program characteristics (URL, Content Description, etc.) that specifies different aspects of the particular broadcast program, the program identifier uniquely identifies the particular broadcast program universally across broadcast providers on a variety of broadcast platforms and renders the components accordingly (col.4, line 56-col.5, line 23, line 61-col.6, line 67, col.7, lines 1-50 and col.12, line 48-col.13, line 1+), Note that Shoff teaches that data structure is transport between Viewer Computing Device 'VCD' 62, and VCD-62, receives the data structure and identifies various portions of the data

structure, extracts the various portions as needed and renders the various portions accordingly for presentation where necessary;

Shoff teaches including formatting, timing instructions, etc. to enabling rendering of the content by a browser, enabling interactive of various TV programs including enabling trivia game segment, quizzes and answers, allows viewers to compete against other regional competitors of available merchandise related to the program to purchase items, which meets... "the token application that monitors token translations, where the token for selected broadcast program information is translated into local programming data based on identifying information associated with a user" (col.11, lines 39-44 and col.12, lines 7-38); **note the processor 106 dynamically renders the content locally based on the user's interaction and furthermore the browser at each VCD further generates specific data structure (local programming data), storing or recording the local programming data and communicating the data to other VCDs via a central server (Web server) thereby permit other regional competitors to compete against each other over the packet-based network.**

Shoff teaches recording of content (col.7, line 51-col.8, line 3), but silent as to a recording component which schedules a recording of the particular broadcast program based at least in part on the plurality of fields of the token and the local programming data and recording component that records more than one program concurrently.

However, **Hirata** discloses a system for controlling an electronic device via a control command signal contained in an electronic mail packet via Internet where the email packet identifies a program so that a recording system receiving the packet is

programmable to record the program, i.e., "...a recording component which schedules a recording of the particular broadcast program based at least in part on the plurality of fields of the token and the local programming data and the recording component that records more than one program concurrently..." (figs. 1, 10, col.5, ln.31-64, col.6, lines 40-55, col.7, line 11-45 and col.9, lines 5-13), **note audio program and video program are recorded concurrently.**

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Hirata into the system of Shoff to enable a user to send an email packet for reservation of a recording on a recording device for later playback as desired.

Shoff as modified by Hirata, is unclear as to where the token application stores demographic and marketing information about the user and the selected broadcast program information.

However, in the same field of endeavor, **Rowe** discloses encapsulated, streaming media automation and distribution system and further discloses where a token application stores demographic and marketing information about the user and the selected broadcast program information (figs.1+, col.11, line 57-col.12, line 34, col.21, line 3-col.22, line 1+ and col.31, line 53-col.32, line 1+) .

Hence it would have been obvious to one skilled in the art at the time of the invention to incorporate the teaching of Rowe into the system of Shoff as modify by Hirata to generate a report of the user and transmit the report to a center for data analysis for future use or to meet user(s) demands as to various programming data.

Claim 7 is met as discussed with respect to claims 1-3.

As to claim 16, the claimed "A computer-readable medium having stored there..." is composed of the same structural elements that were discussed with respect to the rejection of claims 1-3.

Claim 18 is met as previously discussed with respect to claims 1-3.

As to claim 20, the claimed "A system for facilitating programming of an associated device..." is composed of the same structural elements that were discussed with respect to the rejection of claims 1-3.

As to claim 22, the claimed "A method for facilitating programming a recording system ..." is composed of the same structural elements that were discussed with respect to the rejection of claims 1-3.

Claims 25 and 26 are met as previously discussed with respect to claims 1-3.

Claims 27-30 are met as previously discussed with respect to claims 1-3.

Claims 31-33 are met as previously discussed with respect to claims 1-3.

3. Claims 17 and 24 rejected under 35 U.S.C. 103(a) as being unpatentable over **Shoff et al (6,240,555)** in view of **Hirata (6,374,406)** and **Rowe et al (6,792,615)** as applied to claims 16 and 23 above

As to claims 10, 17 and 24, **Shoff** as modified by **Hirata**, fail to teach including of the token in an attachment to the email. However the examiner gives official notice that it is notoriously well known in the art of electronic mail to use an attachment for the purpose of transporting executable commands.

Therefore it is submitted that it would have been obvious to one of ordinary skill in the art at the time the invention was made to use an attachment to transport the control command string for the purpose of separating executables from the text portion of messages.

Response to Arguments

4. Applicant's arguments with respect to claims 1-3, 7, 16-18, 20, 22 and 24-33 have been considered but are moot in view of the new ground(s) of rejection. The amendment to the claims necessitated the ground(s) of rejection discussed above. This office action is made Final.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **ANNAN Q. SHANG** whose telephone number is **(571)272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC) at 866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, call **800-786-9199 (IN USA OR CANADA) or 571-272-1000**.

/Annan Q Shang/
Primary Examiner, Art Unit 2424

Annan Q. Shang

